



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



January 12, 2003

CERTIFIED MAIL
7099 3400 0002 9773 9973
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

R.C. Brayshaw Company, Inc.
29 Newmarket Road, P.O. Box 91
Warner, New Hampshire 03278

Attn: Mr. Richard C. Brayshaw, Owner

Re: R.C. Brayshaw Company, Inc.
Warner, New Hampshire
EPA ID # NHD500003645

Dear Mr. Brayshaw:

On November 20, 2003, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of R.C. Brayshaw Company, Inc. (Brayshaw). The purpose of the inspection was to determine Brayshaw's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

Env-Wm 502.01 Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed on the waste lamps generated at Brayshaw. DES inspectors also confirmed that Brayshaw disposes of waste lamps with general refuse.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requested that Brayshaw test a representative sample of the waste lamps for the characteristic of toxicity as defined in Env-Wm 403.06. Analyses should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. Brayshaw was also advised that a waste determination could be accomplished using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, Brayshaw may elect to manage waste lamps as "universal waste" in accordance with Env-Wm 1100. The DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters," and the DES "Fluorescent Lamp and Ballast Recycling Facility" list provided during the inspection will aid you with the determination. Also be apprised that in accordance with Env-Wm 1103.03, employees responsible for universal waste management must be informed of proper waste handling and emergency procedures appropriate to the management of universal waste lamps.

Brayshaw will need to provide the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses, to DES.

The November 25, 2003, Brayshaw submittal provided documentation substantiating that the facility is managing waste lamps as universal waste and will be properly disposing of the lamps at the Town of Warner Transfer Station. Furthermore, during the inspection, DES explained the proper universal waste lamp handling and emergency procedures to Brayshaw employees. DES also provided Brayshaw with DES Fact Sheets to further train employees. No further action is required.

At the time of the inspection it was noted that Brayshaw intends to dispose of its waste Kodak "Negative Plate Developer 956" and "Plate Finisher 850S" in the on-site septic system. As a result, inspectors provided Brayshaw with a "Registration and Notification Form for Floor Drains and Discharges to Groundwater" to complete and submit to DES's Water Division (WD). Following the inspection, in the November 25, 2003 submittal, Brayshaw further disclosed that a small amount of chemical developer had been disposed of in the septic system in the past. Upon submittal of the aforementioned form, the WD will evaluate the chemical composition and eventual fate of the waste entering the septic system and the applicability of any WD regulatory requirements. DES expects Brayshaw to pursue the issue of the discharge by contacting Mitchell Locker of the WD at 271-2858.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of a report describing the corrective measures taken by Brayshaw to achieve compliance. Accordingly, no further action in response to the listed deficiency is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll free at (866) HAZ-WAST (in-state only) or at (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

 **COPY**

Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc: DB/RCRA/NOPV/Archives
Anthony P. Giunta, P.G., Director, Waste Management Division
Gretchen Rule Esq., Administrator, DES Legal Unit
Mitchell Locker, DES Water Supply Engineering, WD

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Modules